

drug, or has been convicted for a violation of the dangerous drug laws, whether or not further court action is pending, and such charge is found proved. A conviction becomes final when no issue of law or fact determinative of the respondent's guilt remains to be decided.

**§ 5.61 Acts or offenses for which revocation of licenses, certificates, or documents is sought.**

(a) An investigating officer seeks revocation of a respondent's license, certificate or document when one of the following acts or offenses is found proved:

- (1) Assault with a dangerous weapon.
- (2) Misconduct resulting in loss of life or serious injury.
- (3) Rape or sexual molestation.
- (4) Murder or attempted murder.
- (5) Mutiny.
- (6) Perversion.
- (7) Sabotage.
- (8) Smuggling of aliens.
- (9) Incompetence.
- (10) Interference with master, ship's officers, or government officials in performance of official duties.
- (11) Wrongful destruction of ship's property.

(b) An investigating officer may seek revocation of a respondent's license, certificate or document when the circumstances of an act or offense found proved or consideration of the respondent's prior record indicates that permitting such person to serve under the license, certificate or document would be clearly a threat to the safety of life or property, or detrimental to good discipline.

**§ 5.63 Standard of proof.**

In proceedings conducted pursuant to this part, findings must be supported by and in accordance with the reliable, probative, and substantial evidence. By this is meant evidence of such probative value as a reasonable, prudent and responsible person is accustomed to rely upon when making decisions in important matters. This includes *admitted* or *no contest* answers.

**§ 5.65 Commandant's decisions in appeal or review cases.**

The decisions of the Commandant in cases of appeal or review of decisions of

Administrative Law Judges are officially noticed and the principles and policies enunciated therein are binding upon all Administrative Law Judges, unless they are modified or rejected by competent authority.

**§ 5.67 Physician-patient privilege.**

For the purpose of these proceedings, the physician-patient privilege does not exist between a physician and a respondent.

**§ 5.69 Evidence of criminal liability.**

Evidence of criminal liability discovered during an investigation or hearing conducted pursuant to this part will be referred to the Attorney General's local representative or other appropriate law enforcement authority having jurisdiction over the matter.

**§ 5.71 Maritime labor disputes.**

Under no circumstances will the Coast Guard exercise its authority for the purpose of favoring any party to a maritime labor controversy. However, if the situation affecting the safety of the vessel or persons on board is presented, the matter shall be thoroughly investigated and when a violation of existing statutes or regulations is indicated, appropriate action will be taken.

## Subpart D—Investigations

**§ 5.101 Conduct of investigations.**

(a) Investigations may be initiated in any case in which it appears that there are reasonable grounds to believe that the holder of a license, certificate or document issued by the Coast Guard may have:

(1) Committed an act of incompetency, misconduct, or negligence while acting under the authority of a license, certificate or document;

(2) Violated or failed to comply with subtitle II of title 46, U.S.C., a regulation prescribed under this subtitle, or any other law or regulations intended to promote marine safety or to protect the navigable waters, while acting under the authority of a license, certificate or document;

(3) Been convicted of a dangerous drug law violation, or has been a user